

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)
)
)
v.) CRIMINAL NO. 1:10-cr-395
)
)
ZACHARY ADAM CHESSER,)
)
)
Defendant.)

STATEMENT OF FACTS

The parties stipulate that the allegations in the Criminal Information and the following facts are true and correct, and that had the matter gone to trial the United States would have proven them beyond a reasonable doubt.

General Background Facts

1. Anwar Al-Awlaki is a dual citizen of the United States and Yemen, and an Islamic lecturer and spiritual leader who was formerly affiliated with the Dar al-Hijra Mosque in Falls Church, Virginia. Pursuant to a Presidential Executive Order, Al-Awlaki was designated by the United States a “Specially Designated Global Terrorist” on July 12, 2010, because of his position as a leader of “al Qa’ida of the Arabian Peninsula” (“AQAP”), a Yemen-based terrorist group that had claimed responsibility for numerous terrorist acts against United States, Saudi, Korean and Yemeni targets since its inception in January 2009.

2. Al-Shabaab, also known as Shabaab, Harakat Shabaab al-Mujahidin, Mujahidin al-Shabaab Movement, “The Youth,” Mujahideen Youth Movement, Mujahidin Youth Movement, and other names and variations (hereinafter, “al-Shabaab”), is the militant wing of the Somalia Council of Islamic Courts that has gained control of parts of Somalia by using

guerrilla warfare and terrorist tactics against the Transitional Federal Government (TFG) of Somalia and its allies, and African Union peacekeepers. On February 29, 2008, the United States Government designated al-Shabaab as a Foreign Terrorist Organization pursuant to Section 219 of the Immigration and Nationality Act. As a result of that designation, it was unlawful for United States citizens and persons subject to the jurisdiction of the United States to provide material support or resources to al-Shabaab.

3. In or about December 2009, the defendant, ZACHARY ADAM CHESSER, also known as Abu Talhah al-Amrikee and Abuu Talxah al-Amrikii (hereinafter, "CHESSER"), began to operate his own blog, titled "themujahidblog.com," describing it as "dedicated to those who give their blood for [Islam]." CHESSER described the purpose of the blog as "primarily devoted to spreading knowledge regarding Jihad and the Mujahideen."

4. RevolutionMuslim.com is a website which contained Islamic postings and information supportive of violent jihad. CHESSER was an administrator of that website, and, as such, made postings to the site, responded to inquiries from other users, and reviewed and permitted postings on the site from others.

5. "Ansar Al Jihad Network" is a website which contained Islamic postings and information. CHESSER posted numerous articles and comments on this website concerning violent jihad.

6. "Al Fallujah Islamic Forums," also known "Al-Faloja," is a website which contained Islamic postings and information. CHESSER posted on that website numerous articles, comments, and other material concerning violent jihad.

7. “AlQimmah” is a website which contained Islamic postings and information in support of al-Shabaab, and was the official web forum for al-Shabaab. The home page includes information is written in Somali, but contains a link to the website’s “English Section.” CHESSER posted on the AlQimmah website numerous articles, comments, and other material concerning violent jihad.

8. On or about May 13, 2009, CHESSER established a youtube.com website known as “AlQuranWaAlaHadeeth.”

9. On or about December 14, 2009, CHESSER produced and uploaded to his AlQuranWaAlaHadeeth youtube.com website a video titled “Lion or Mouse,” which depicted various Islamic references which were supportive of violent jihad.

10. On or about January 9, 2010, CHESSER posted a message to his themujahidblog.com website, titled “How to Help the Mujahideen,” which concluded, “[a]nd perhaps most importantly, we have to actually go and fight against the disbelievers.”

11. Between approximately January 20, 2010 and January 22, 2010, CHESSER uploaded to his AlQuranWaAlaHadeeth youtube.com website a recording of a lecture made by Anwar Al-Awlaki espousing participation in violent jihad.

12. On or about February 12, 2010, CHESSER established a youtube.com website known as “AQWAHProductions.”

13. On or about February 2, 2010, CHESSER posted a video on his AlQuranWaAlaHadeeth Youtube.com website, of an attack by an improvised explosive device (“IED”) on a military vehicle. The video showed a closeup shot of an individual mixing an explosive and a closeup shot of an IED being buried in the ground. The video then cut to a

long-range shot of a winding mountain road. The camera focused on a spot in the road as two military vehicles approached. When the first vehicle reached the spot, an IED detonated. The detonation of the IED was replayed in the video several times.

14. On or about February 9, 2010, CHESSER posted a total of six videos, titled "The Mujahideen are Calling You," onto his AlQuranWaAlaHadeeth Youtube.com website. Those videos documented scenes from Afghanistan, and included footage showing United States Army helicopters in flight.

15. On or about March 7, 2010, CHESSER posted on his themujahidblog.com website an article titled "Open Source Jihad," which discussed a strategy mujahideen could use to elude capture and death while maintaining relevance and striking capability.

16. On or about May 19, 2010, CHESSER said that he brought a knife to a meeting with another individual to discuss training for violent jihad, in case such individual turned out to be an undercover government agent.

17. On or about June 4, 2010, CHESSER posted on the Al Fallujah Islamic Forums website a link titled "200 plus books on various beneficial subjects," which he further described therein as "books on Jihad, Islam and Warfare," and which, under a section titled "Preparation," contained, among other items, four sections of what CHESSER described as the "Al Qaeda Manual," setting forth instructions concerning such subjects as "Communications," "Transportation," "Security," "Weapons Acquisition and Storage," "Guidelines for Beating and Killing Hostages," and "Espionage," all in support of violent jihad.

18. On or about June 8, 2010, CHESSER posted on the Al Fallujah Islamic Forums website a link to a video, which video CHESSER made, and which was titled "America Tuta

Fika," which featured images of mujahideen in Somalia and a song sung by CHESSER, titled "America Tuta Fika," translated into English as "America We Are Coming."

19. On or about June 17, 2010, CHESSER posted an article titled "Counter Counter Terrorism # 12 - Actually Leaving for Jihad" on the Ansar Al Jihad Network website, in which he stated that the "number one most important thing in countering the efforts of the kuffar is for you to leave for jihad in the Path of Allah." The article included information concerning traveling to participate in violent jihad, including raising money, obtaining travel documents, selecting a destination, purchasing airline tickets, and "keeping a low profile."

20. On or about an unknown date, but some time before June 24, 2010, CHESSER drafted a one-page document titled "How to Destroy the West," which listed a number of points concerning violent jihad methods, including "attacks" on "personelle" [sic], "put[ting] out a message to the Muslims to go buy guns and kill soldiers," and "[filling] a tanker with explosives and Ricin."

21. On or about June 30, 2010, CHESSER posted to his AQWAHProductions youtube.com website a four part video titled "al-Shabaab-Preparation for the Battle-No Peace Without Islam," which depicted multiple training scenarios involving mujahideen in Somalia engaged in, among other activities, firearms exercises, physical fitness routines, and the creation of improvised explosive devices.

A. Making Threats and Soliciting Murder

22. Between on or about April 15, 2010, and July 21, 2010, CHESSER, with intent that another person engage in conduct constituting a felony that has as an element the use, threatened use of physical force against the person of another in violation of the laws of the United States, and under circumstances strongly corroborative of that intent, knowingly and unlawfully solicited

and endeavored to persuade others to intimidate, injure, and kill individuals in California referred to herein as "MS" and "TP" for writing and directing an episode of South Park that he found insulting, and an individual in Florida referred to herein as "JG" for participating in a group on Facebook that he found insulting, in violation of 18 U.S.C. § 373, § 2332b and 18 U.S.C. § 2261A(1). During that same period, CHESSER knowingly and unlawfully transmitted in interstate and foreign commerce communications containing threats to injure TP, MS, and JG, in violation of 18 U.S.C. § 875(c).

23. On or about April 15, 2010, using the screen name Abu Talhah Al-Amrikee, CHESSER posted on the RevolutionMuslim.com and themujahidblog.com websites the following statements, photos, and audio clips:

A. CHESSER's assertion that the South Park episode "went beyond showing [Muhammad], but it outright insulted him . . . by showing him in a bear suit. . . ."

B. The following photograph which depicted a murdered, partially decapitated, Theodoor "Theo" van Gogh, with two knives impaled in his torso:



C. CHESSER's statement that "We have to warn [MS and TP] that what they are doing is stupid and they will probably wind up like Theo Van Gogh for airing this show. This is not a threat, but a warning of the likely reality of what will likely happen to them. Maybe they have not listened to this lecture before."

D. audio clips of a sermon by Anwar Al-Awlaki, titled "The Dust Will Never Settle Down," calling for the assassination of anyone who has "defamed" Muhammad, saying, "Harming Allah and his messenger is a reason to encourage Muslims to kill whoever does that."

E. the addresses of Comedy Central in New York, a production company associated with South Park in Los Angeles, California, and a link to a 2009 Huffington Post article that gave details of a residence shared by TP and MS in Colorado; and

F. CHESSER's statement that his readers should "pay them a visit."

24. On or about April 18, 2010, CHESSER produced and posted on the RevolutionMuslim.com website, his AlQuranWaAlaHadeeth youtube.com website, and his themujahidblog.com website, a video titled "Defense of the Prophet Campaign." The video was narrated by CHESSER, and contained:

A. Statements by CHESSER regarding the South Park episode that featured a character in a bear costume, who various other characters stated was Muhammad;

B. The audio of a speech by Anwar Al-Awlaki, explaining the Islamic justification for killing those who insult or defame Muhammad,

C. Photographs of TP, MS., van Gogh, Hirsi Ali, and others who have been publically targeted for death for insulting Muhammad and/or Islam, including Salman Rushdie, Geert Wilders, Kurt Westergaard, and Lars Vilks.

25. On or about April 18, 2010, CHESSER posted the video titled "Defense of the Prophet Campaign" to the AlQuranWaAlaHadeeth youtube.com and AlQimmah websites.

26. On or about April 22, 2010, CHESSER responded to inquiries about the possibility that TP and MS. could be murdered by stating, "It's not a threat, but it really is a likely outcome. They're going to be basically on a list in the back of the minds of a large number of Muslims. It's just the reality."

27. On or about April 22, 2010, CHESSER uploaded to the Ansar Al-Jihad network and to the Revolution.com website a posting titled "Clarifying the South Park Response and Calling on Others to Join in the Defense of the Prophet Muhammad (Peace Be Upon Him)-RevolutionMuslim.com." The post explained the Islamic law requiring the killing of those who curse Muhammad, and closed with the statement that, "As Osama bin Laden said with regard to the cartoons of Denmark, 'If there is no check in the freedom of your words, then let your hearts be open to the freedom of our actions.'"

28. On or about May 15, 2010, CHESSER posted to the AlQimmah website a news article he titled "Home of Lars Vilks Firebombed – Kafir News" regarding the firebombing of the home of Lars Vilks that day, as well as an attack on him at a lecture earlier that week.

29. On or about June 20, 2010, CHESSER posted to the AlQimmah website audio clips of a sermon by Anwar Al-Awlaki, titled "The Dust Will Never Settle Down," calling for the

assassination of anyone who has "defamed" Muhammad, saying, "Harming Allah and his messenger is a reason to encourage Muslims to kill whoever does that."

30. As a result of the controversy surrounding CHESSER's postings regarding the South Park episode, a newspaper cartoonist from Seattle, Washington, suggested that members of the public draw the prophet Muhammad on May 20, 2010, a day to be called "Everyone Draw Muhammad Day," to water down the pool of targets and defend free speech. A number of social networking sites, including Facebook.com, hosted groups supportive of "Everyone Draw Muhammad Day."

31. On or about May 18, 2010, CHESSER posted on the web forum Ansar AlJihad Network a posting titled "Tracking Those Participating In Everyone Draw Muhammad Day - salaa Allahu 'alayhi wa salam," in the same thread of messages that included the "Defense of the Prophet Campaign and the related postings described above. The "Tracking Those Participating In Everyone Draw Muhammad Day" message consists of photos, names, addresses, and other personally identifying information that CHESSER obtained from Facebook for private citizens who apparently expressed a desire to participate in "Everyone Draw Muhammad Day." These included JG, as well as a teenager in Mississippi and a young man from Texas depicted in a photo with his parents and a brother, along with the address of his "possible church/school." At the conclusion of the post is Chesser's statement, "Just a place to start."

32. In light of the recent history of attacks and attempted attacks against individuals alleged to have defamed or insulted Islam or its prophet, the postings on the internet by CHESSER objectively constituted messages to an audience that likely included individuals around the world who --

- A. Were inclined to engage in violent jihad against what they believed to be the enemies of Islam;
- B. Understood the messages to constitute requests to attack MS, TP, and JG; and
- C. Could potentially be willing and capable to attack MS, TP, and JG in response to those messages.

B. Soliciting Bomb Threats

33. Between on or about January 19, 2010, and July 10, 2010, CHESSER knowingly and unlawfully distributed information pertaining to the manufacture and use of explosives, destructive devices, and weapons of mass destruction, with the intent that such information be used by mujahideen around the world. As more particularly described below, CHESSER posted on various websites links to detailed information on the construction and use of explosives devices, and tactics associated therewith, in support of violent jihad and against civilians, law enforcement authorities, and military forces of the United States and its allies in America and overseas.

34. Between on or about June 8, 2010, and July 21, 2010, CHESSER, with intent that other persons engage in conduct constituting a felony that has as an element the use, attempted use or threatened use of physical force against the person of another in violation of the laws of the United States, and under circumstances strongly corroborative of that intent, knowingly and unlawfully solicited and endeavored to persuade others to engage in such conduct. In particular, CHESSER urged others to leave suspicious packages that looked like package bombs in public places but that were otherwise harmless, to desensitize the public and law enforcement

authorities to the threat of actual package bombs, as described below, in violation of 18 U.S.C. § 1992(a)(2), (a)(9), & (a)(10); and 18 U.S.C. § 1038.

35. On or about January 19, 2010, CHESSER posted a link on his themujahidblog.com website to the entire United States Transportation Security Administration manual titled, “Aviation Security Screening Management Standard Operating Procedures.” This link remained accessible on themujahidblog.com until approximately mid-April 2010. That manual set forth standard operating procedures used at airports located in the United States regarding the screening and inspection of individuals, accessible property, and checked baggage to deter, detect, and prevent the carriage of any unauthorized explosive, incendiary, or weapon onboard an aircraft or into a secure area.

36. On or about June 4, 2010, CHESSER posted on the Al Fallujah Islamic Forums website a link titled “200 plus books on various beneficial subjects,” which he further described as “books on Jihad, Islam and Warfare,” and in which, under a section titled “Preparation,” he included a book, titled “Guerilla Air Defense, Antiaircraft Weapons and Techniques for Guerrilla Forces” containing, among other items, information on the construction of antiaircraft missiles, and tactics, techniques and weapons for targeting aircraft, including jet airplanes and helicopters.

37. On or about June 8, 2010, CHESSER posted to the AlQimmah website and to the Al Fallujah Islamic Forums website a link to an article titled “Jihadi Calls for ‘Suspicious Bags’ To Be Left Throughout DC and NYC,” with the statement that “it should be noted that the article mentions that this type of thing *has* actually been successful.” The article reported that an internal FBI report warned federal, state, and local authorities to be alert for a potential new tool

in the jihadi terror arsenal - the placing of suspicious, but harmless, bags in public places to inspire fear, disrupt public transportation and tie up police and bomb squads.

38. On or about June 9, 2010, CHESSER posted on the AlQimmah website a link to 200 books on Jihad, Islam and Warfare," and in which, under a section titled "Preparation," he included a book, titled "Guerilla Air Defense, Antiaircraft Weapons and Techniques for Guerrilla Forces" containing, among other items, information on the construction of antiaircraft missiles, and tactics, techniques and weapons for targeting aircraft, including jet airplanes and helicopters.

39. On or about June 15, 2010, CHESSER posted a message on the Al Fallujah Islamic Forums website titled "Desensitizing Federal Agents," in which CHESSER explained how conducting "fake" operations, by leaving suspicious packages resembling (but which were not, in fact) bombs in public places, so as to "desensitize" law enforcement officials in their efforts to detect and disarm explosive devices, would be of great benefit to the mujahideen. In that message CHESSER explained that, after law enforcement had become sufficiently "desensitized" to the possible danger of such packages, a real explosive then could be substituted, which, having been discovered by a law enforcement officer, could explode. CHESSER ended his message with the words, "Boom! No more kuffar."

C. Material Support to al-Shabaab

40. From a date unknown until July 10, 2010, CHESSER did knowingly and unlawfully provide and attempt to provide material support and resources, as that term is defined in Title 18, United States Code, Section 2339A(b), to wit, personnel, both individually and through recruitment of other personnel, publicity, and training, to a foreign terrorist organization, namely al-Shabaab, by attempting to travel to Somalia to provide support for, and at the direction of, al-

Shabaab; and by posting material related to violent jihad, and its tactics, on the internet for, and at the instruction of, al-Shabaab. In order to provide, and attempt to provide, material support and resources to a foreign terrorist organization, as alleged above, CHESSER took the following actions, among others:

41. In November 2009, CHESSER attempted to leave the United States and travel to Somalia for the purpose of joining al-Shabaab and engaging in violent jihad. He ultimately postponed his trip because his wife could not obtain her passport from her mother, who possessed the passport but refused to release it to her because she feared that her daughter would use it to travel to Somalia. Subsequently, CHESSER's wife gave birth to a child, and she could not travel.

42. On or about May 13, 2010, CHESSER posted on the AlQimmah website Parts 1 – 7 of the Counter Counter Terrorism series, made as separate posts tandem to each other.

43. On or about May 30, 2010, CHESSER posted on the AlQimmah website a video titled "Do the Mujahidiin in Somalia Really Kill Civilians?"

44. On or about May 31, 2010, CHESSER posted on the AlQimmah website a video entitled "Raid on The HQ of Apostasy – The Rule Is Only For Allah," showing an attack by Al-Shabaab on government building in Mogadishu.

45. On June 6, 2010, CHESSER instructed his wife falsely to deny knowledge of his planned travel to Somalia to join al-Shabaab if she was questioned about him by law enforcement authorities, and instead to assert that he went to Uganda to pick up her birth certificate.

46. On or about June 9, 2010, CHESSER posted on the AlQimmah website a link to 200 books on Jihad, Islam and Warfare," including four sections of what CHESSER described as the

“Al Qaeda Manual,” setting forth instructions concerning such subjects as “Communications,” “Transportation,” “Security,” “Weapons Acquisition and Storage,” “Guidelines for Beating and Killing Hostages,” and “Espionage,” all in support of violent jihad.

47. On or about June 9, 2010, CHESSER posted on the AlQimma website a video entitled “Munaafiq Of Parliament Exposes AMISOM As True Killer Of Non-Combatants In Somalia,” regarding the killing and mishandling of civilians by African Union troops in Somalia.

48. On or about June 15, 2010, CHESSER posted on the AlQimma website a video titled “Hizbul Islam Merges with Al-Shabaab in Beledweyne Alxamduallah,” regarding the merger of Al-Shabaab with another organization.

49. On or about July 9, 2010, CHESSER and his wife left their home in Falls Church, Virginia and drove with their infant son to a hotel in Maryland where they spent the night, in preparation for CHESSER’s bringing his son with him on a flight to Uganda to make it appear less likely that CHESSER was actually continuing on to Somalia to join al-Shabaab and engage in violent jihad. CHESSER brought with him a video camera with which he intended to make production quality videos for al-Shabaab’s propaganda campaign.

50. On or about July 10, 2010, CHESSER and his wife drove with their infant son from their hotel in Maryland to John F. Kennedy International Airport in New York, where CHESSER attempted to board a flight with service to Uganda with his infant son, so that CHESSER could ultimately make his way to Somalia, join al-Shabaab and engage in violent jihad.

The defendant acknowledges that the foregoing statement of facts does not describe all of the defendant’s conduct relating to the offenses charged in this case nor does it identify all of the persons with whom the defendant may have engaged in illegal activities. The defendant further

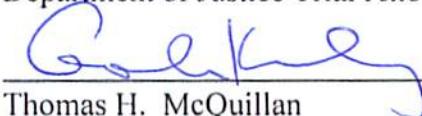
acknowledges that he is obligated under his plea agreement to provide additional information about this case beyond that which is described in this statement of facts.

Respectfully submitted,

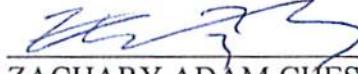
Neil H. MacBride
United States Attorney

John Gibbs
Department of Justice Trial Attorney

By:


Thomas H. McQuillan
Gordon D. Kromberg
Assistant United States Attorney

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, ZACHARY ADAM CHESSER and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.


ZACHARY ADAM CHESSER

I am ZACHARY ADAM CHESSER's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.


Michael Nachmanoff
Brian Mizer
Attorneys for ZACHARY ADAM CHESSER